

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

MARC VEASEY, <i>et al.</i> ,	§	
	§	
Plaintiffs,	§	
v.	§	CIVIL ACTION NO. 2:13-CV-00193
	§	
GREG ABBOTT, <i>et al.</i> ,	§	
	§	
Defendants.	§	

DEFENDANTS' PROPOSAL FOR A BRIEFING SCHEDULE ON THE ISSUE OF REMEDIES

The only issue remaining before this Court is the issue of what, if any, remedies to enter. To avoid the risk of delay and confusion before upcoming elections, the Secretary of State must be able to educate county election officials about the photo identification rules that will apply, and county voter registrars must be able to issue voter registration cards by the deadline imposed by the Texas Election Code. To make this possible, the Court should enter final judgment no later than August 7, 2017.

The Secretary of State will conduct its annual training seminar for county officials on July 31, 2017, through August 2, 2017. The seminar will include training on the availability of the reasonable-impediment-affidavit procedure (and the seminar will explain the requirements of this procedure under the Court's interim remedial order as well as under Senate Bill 5). Because the interim remedial order and SB 5 are materially indistinguishable with respect to voting procedures, educating county officials on both will not impose additional burdens, and county officials will

be prepared to administer the reasonable-impediment affidavits under either the Court's interim order or SB 5.

On or after the start of the 2018 Fiscal Year, September 1, 2017, the Secretary of State intends to seek to procure vendor services to assist the State with voter education for the November 2017 election. Similar to the November 2015 election, the Secretary of State expects to allocate approximately \$400,000 for use in the 2017 election, out of the \$4 million that the Legislature has appropriated to it for voter education over the biennium. It is anticipated that the vendor(s) will implement voter information and outreach strategies to inform the electorate of the voter identification requirements; assist the Secretary of State with media and community relations support to coordinate and execute voter education and outreach events; plan, design, and produce voter education and outreach materials in multiple formats, possibly including television, print, radio, and electronic formats; and implement social media opportunities. The Secretary of State plans to use the remainder of the appropriated funds for voter education and outreach during the 2018 primary and general elections. In addition to the voter education efforts the Secretary of State will undertake in the coming months, it also intends to update VoteTexas.gov and its training materials for election officials and poll workers to reflect the requirements of SB 5. The Secretary of State will continue to make EIC mobile units available on request before the November 2017 election, in conjunction with the Texas Department of Public Safety. The Secretary of State staff is trained and ready to continue assisting in the

Department of Public Safety's issuance of EICs by providing staffing for EIC mobile units, as staff members have done in the past.

Issuance of voter registration certificates, however, poses a risk of delay because the language on the certificates must be finalized well in advance of the date they are mailed to voters. The Texas Election Code requires county voter registrars to issue voter registration certificates within a specific period:

On or after November 15 but before December 6 of each odd-numbered year, the registrar shall issue a voter registration certificate to each voter in the count whose registration is effective on the preceding November 14 and whose name does not appear on the suspense list.

Tex. Elec. Code § 14.001(a). These voter registration certificates must contain certain information prescribed in the Election Code. *See id.* § 15.001(a) (listing required contents). In addition to the specific items mandated by the Code, county voter registrars must also “provide notice of the identification requirements for voting prescribed by Chapter 63 and a detailed description of those requirements with each [initial] voter registration certificate under Section 13.142 or renewal registration certificate issued under Section 14.001.” *Id.* § 15.005(a). The Election Code directs the Secretary of State to prescribe the wording of the notice of identification requirements that county voter registrars provide to voters. *Id.* § 15.005(b).

For county voter registrars to meet the statutory deadline for mailing voter registration certificates, the Secretary of State must finalize the language of the voter registration certificate no later than August 30, 2017. To do so, the Secretary of State must know what rules, including voter-identification requirements, will apply to the

2018 elections. In order to ensure that the voter-identification requirements are finally determined by August 30, 2017, this Court should enter a final judgment, including all remedial rulings, no later than August 7, 2017, to leave sufficient time for an appellate stay of proceedings if necessary.

Defendants propose the following briefing schedule, which will provide the parties with ample time to brief any remaining remedial issues and allow the Court to enter a final judgment by August 7:

- June 28, 2017: Parties file simultaneous briefs addressing the question of what remedies, if any, the Court should order.
- July 12, 2017: Parties file simultaneous response briefs.

This proposed schedule will provide the Court with 26 days between the end of briefing and the date on which Defendants request final judgment (August 7) to ensure that State officials have a final determination of the guidance they need to administer the upcoming election deadlines.

Date: June 12, 2017

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on June 12, 2017, a true and correct copy of the foregoing document was served via the Court's ECF system to all counsel of record.

/s/ Angela V. Colmenero
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